

REMARKS/ARGUMENTS

Claims 1-3, 6 and 8-24 are pending in the present application. Claims 1-3, 6 and 8-24 are rejected. Claims 1 and 12 are presently amended to clearly and precisely describe that which Applicant deems to be the inventive subject matter of the present application. Claims 2, 3, 6, 8 and 9 are canceled without prejudice. The minor amendments made to claims 1 and 12 incorporate the features of certain canceled claims (claims 2, 3 and 9) and as such find support throughout the original specification as filed. Therefore, no new matter is introduced by these amendments and no additional search of the relevant art is entailed. Applicant acknowledges and appreciates that the Examiner has withdrawn certain previous rejections under 35 U.S.C. §§ 102 and 103 based upon review of Applicant's arguments.

Rejections under 35 U.S.C. § 102(b) in view of Kameda et al. (US Patent 5,939,216)

The composite material according to amended claim 1 of the present invention includes material features which are neither disclosed nor suggested by Kameda. Specifically, in the present invention, the matrix phase is formed of silicon carbide, the main constitutional fibers are formed of silicon carbide, and the auxiliary fibers are formed of carbon. In contrast, the materials in Kameda are just merely presented as a list of options in the specification and they are not concretely fixed. Therefore, if two materials are arbitrarily selected from the materials listed in the specification of Kameda, it is impossible to definitively obtain the benefits of the combination as first presented with the current invention. Accordingly, in Kameda, it is impossible to state that the fiber materials will surely suppress differences in thermal elongation between the fiber fabric and the matrix phase under a high temperature atmosphere. Furthermore, in Kameda, the residual stress, or stress during use, which acts on the matrix phase and is caused by differences in thermal elongation, is not assuredly or definitively less than the breaking stress of the matrix phase. Therefore, based on Kameda reference, a practitioner cannot ensure prevention of breaking and damage, such as cracks in the matrix phase due to residual stress or difference in thermal elongation between the fiber and the matrix phase. Rather, it is only with the teachings of the present disclosure that such damage can be reliably reduced or avoided.

In addition, the features of the claim 9, now incorporated into independent claims 1 and 12, are neither disclosed nor suggested in Kameda. That is, specifically, that the features "the mixture portion of the auxiliary fibers relative to the main constitutional fibers is less than 90%" are neither disclosed nor suggested in Kameda. It is this distinct mixture portion which helps to provide the benefits of the

present invention. Thus, while Kameda cannot effectively prevent breaking and damage, such as cracks in the matrix phase, due to the residual stress of differences in thermal elongation between the fiber and the matrix phase, the present invention offers the first solution to effectively address and effectively overcome this problem.

Therefore, as explained above, the composite material of currently amended claim 1 includes features which are neither disclosed nor suggested in Kameda, and offers the first results in reliably achieving the objectives of the present application. Accordingly, the Applicant believes that the claim 1 should be allowable.

As the above-described arguments in support of present claim 1 are equally applicable to claim 12 as presently amended, the Applicant believes that the claim 12 should also be allowable. Furthermore, as the above reasoning obviates the rejections of independent claims 1 and 12, the rejections to the claims that depend from the claims should also be considered allowable. As such, claims 1, 10, 11 and 12-24 should be deemed suitable for allowance. In sum, Applicant believes that the present amendments to claims 1 and 12 render clearly that the present invention is not anticipated by Kameda, and Applicant respectfully requests that the Examiner reconsider and withdraw the rejections of the applicable claims under 35 U.S.C. § 102 as currently amended.

Rejections of claims 13 and 14 under 35 U.S.C. § 103 over Kameda in view of JP10-194856 or Yamaguchi et al. (US 6,723,382), respectively

As the rejection to independent claim 12 is obviated by the present amendments to that claim, rejections to related dependent claims 13 and 14 should also be withdrawn. Applicants respectfully believe that the concerns of the Examiner have been fully addressed and the grounds for rejection overcome, and believe that the claims as currently amended are in suitable condition for allowance.

Summary

Entry of this Amendment into the file of the application is respectfully requested. The remarks presented above are believed to be sufficient to overcome all of the objections and rejections to the claims of the present application. The Examiner is, therefore, respectfully requested to reconsider and withdraw the subject rejections and to pass the application through to an allowance.

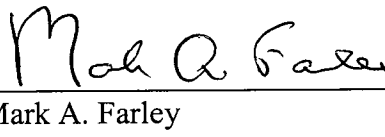
Appl. No. 10/585,289
Amdt. dated February 24, 2010
Reply to Office action of November 25, 2009

If the Examiner does not agree, however, but believes that an interview would advance the progress of this case, the Examiner is respectfully invited to telephone Applicant's representative at the number below so that an interview may be scheduled.

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SYSTEM ON February 24, 2010.

MAF/AGG:ck

Respectfully submitted,

A handwritten signature in cursive script, reading "Mark A. Farley", is written over a horizontal line.

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